

Office of the Secretary

Federal Communications Commission

445 12th Street SW

Washington, D.C. 20554

July 29, 2011

My name is Robert L. Lindsey IV and I am currently licensed by the Federal Communications Commission in the Amateur Radio Service. My station call sign is KD8ORM and my FRN is 0020114872. This letter is a formal Petition to Deny that is being filed against David L. Titus currently the holder of Amateur Radio Operator License of Amateur Radio Station KB7ILD.

Recently I sent an Informal Objection in letter format to the Office of the Secretary dated July 11, 2011 concerning Mr. Titus's pending application for renewal in the United States Amateur Radio Service. One of the main topics that were brought up in the Informal Objection was an "Order to Show Cause" that was issued on January 30, 2007 by the Enforcement Bureau

pursuant to Section 312(d) of the Communications Act of 1934, as amended, and Section 1.91(d) of the Commission's rules, the burden of proceeding with the introduction of evidence and the burden of proof with respect to all the issues specified below shall be on the Enforcement Bureau.

As I previously stated in the Informal Objection under the laws of the United States specifically the Administrative Procedure Act and the Communications Act the government must prove by a preponderance of evidence the person(s) in question are likely to reoffend and would nearly be impossible to rehabilitate. In the opinion of the acting Administrative Law Judge Richard L Sippel the Bureau failed to carry the burden of proof and "ordered that the Amateur Radio Operator License of Amateur Radio Station KB7ILD held by Mr. David L. Titus shall not be revoked."

In the Informal Objection that I submitted to the Office of the Secretary I requested that the Commission dismiss Mr. Titus's pending application for renewal in the Amateur Radio Service with prejudice based on the background and facts of law presented in the Bureau's "Order to Show Cause" however I did not go into specifics contained within the "Order to Show Cause" but in this Petition to Deny I will bring those specifics to the attention of the Commission and my concerns regarding Mr. Titus and his Pending application in the Amateur Radio Service.

On January 30, 2007 the Enforcement Bureau issued an "Order to Show Cause." By this "Order to Show Cause", and pursuant to Sections 312(a) and (c) of the Communications Act of 1934, as amended (the "Act"), the Federal Communications Commission's Enforcement Bureau commenced a hearing proceeding before the Administrative Law Judge Richard L Sippel. The purpose of the hearing was to determine whether David L. Titus, licensee of the above captioned

Amateur Radio Station and Amateur Radio Operator license, is qualified to remain a Commission licensee in light of his felony conviction and whether his authorization should be revoked.

As I have said earlier in this Petition the acting Administrative Law Judge “ordered that the Amateur Radio Operator License of Amateur Radio Station KB7ILD held by Mr. David L. Titus shall not be revoked” but it is well within the Commissions authority to dismiss Mr. Titus’s pending application for renewal in the Amateur Radio Service with prejudice based on the evidence, background and facts of law presented below.

Currently Mr. Titus has a Class C felony conviction in the State of Washington. On April 16, 1993 Mr. Titus was convicted in Benton County for have violated Section 9.68A.090 of the Revised Code of Washington, communication with a minor for immoral purposes, also Mr. Titus has been identified by the Seattle Police Department as a registered sex offender. The Commission considers the character of an applicant just as important as any other factor in determining the applicant’s eligibility to be a Commission licensee. Willfully taking advantage of a child for sexual purposes by anyone 18 years of age or older is an act that the presiding Judge considered “shockingly evil.”

The Commission has found that certain felonies involving egregious misconduct “might, of its own nature, constitute prima facie evidence that the applicant lacks the traits of reliability and or truthfulness necessary to be a licensee.” During Mr. Titus’s hearing the Lake Washington Ham Club was deeply concerned due to the fact that Amateur Radio is extremely popular among the Boy Scouts. This is an opinion that I happen to share with the Lake Washington Ham Club especially given the fact that Amateur Radio is implemented on a consistent basis among the

Boy Scouts and the youth who attend such programs. Also given the fact that Mr. Titus was convicted in the State of Washington for have violated Section 9.68A.090 of the Revised Code of Washington, communicating with a minor for immoral purposes, has me even more deeply concerned regarding Mr. Titus's character qualification.

As legal proceedings were being conducted in mid 2008 and early 2009 brought about by the Bureau's "Order to Show Cause" testimony that was giving determined that Mr. Titus at the age of 6 was raped by his babysitter and at the age of 13 became aware he was homosexual. At the age of 11, he was confined for having indecent contact with an 8-year-old boy. Mr. Titus also pled guilty for taking indecent liberties with a 12-year-old boy.

As disturbing as Mr. Titus's past is he continued to carry his sexual predisposition to boys as an adult. On April 16, 1993 he was convicted in Benton County for have violated Section 9.68A.090 of the Revised Code of Washington, communicating with a minor for immoral purposes. In the Bureau's "Order to Show Cause" the Commission stated that "Mr. Titus's felony conviction for at least one sexually related offense involving children raises material and substantial questions as to whether he possesses the requisite character qualifications to be and remain a Commission licensee." I along with many others are under the age of 18 and are licensed by the government in the Amateur Radio Service. By granting Mr. Titus's application for renewal in the Amateur Radio Service the Commission would not be serving the public interest.

Accordingly I am requesting that the Commission dismiss Mr. Titus's pending application for renewal in the United States Amateur Radio Service with prejudice based on the background and facts of law presented above. Furthermore I am requesting that in light of the

evidence adduced pursuant to the foregoing issue the Commission finds that David L. Titus is not qualified to remain a Commission licensee consequently dismissing his application for renewal in the United States Amateur Radio Service. I would respectfully like to request that the Bureau notify me by United States Mail of any opposition(s) to this Petition to Deny and or any action taken against Mr. Titus as a result of this Petition to Deny.

Sincerely,

Robert L. Lindsey IV